Decision	
BEFORE THE PUBLIC UTILITIES COMMISSION	N OF THE STATE OF CALIFORNIA
Application of San Diego Gas & Electric Company (U902E) for Authority to Implement Optional Pilot Program to Increase Customer Access to Solar Generated Electricity.	Application 12-01-008 (Filed January 17, 2012)
And Related Matters.	Application 12-04-020 Application 14-01-007

# DECISION GRANTING COMPENSATION TO NATIONAL ASIAN AMERICAN COALITION FOR SUBSTANTIAL CONTRIBUTION TO D.15-01-051

Intervenor: National Asian American Coalition	For contribution to Decision (D.) 15-01-051
Claimed: \$43,837.25	Awarded: \$43,240.75 (reduced 1.36%)
Assigned Commissioner: Michael Picker	Assigned ALJ: Regina DeAngelis

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## **PART I: PROCEDURAL ISSUES**

A. Brief description of Decision:	The Final Decision begins the implementation of Senate Bill	
	43, which requires that the three Investor Owned Utilities	
	(IOUs) begin implementation of the Green Tariff Shared	
	Renewables (GTSR) Program. The Final Decision addressed	
	Phases I, II, and III of the proceeding and sets forth steps by	
	which the IOUs can implement the Green Tariff Option	
	(Green Tariff) and Enhanced Community Renewables (ECR)	
	components of the GTSR Program.	

# B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified					
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):							
1. Date of Prehearing Conference (PHC):	06/27/12	Verified (A.12-04-020)					
2. Other specified date for NOI:	N/A						
3. Date NOI filed:	07/02/12	Verified					
4. Was the NOI timely filed?		Yes					
Showing of customer or customer-related status (§ 1	802(b)):						
5. Based on ALJ ruling issued in proceeding number:	A.13-11-003	Verified					
6. Date of ALJ ruling:	April 18, 2014	Verified					
7. Based on another CPUC determination (specify):							
8. Has the Intervenor demonstrated customer or cust	Yes						
Showing of "significant financial hardship" (§ 1802(g							
9. Based on ALJ ruling issued in proceeding number:	A.13-11-003	Verified					
10. Date of ALJ ruling:	Verified						
11. Based on another CPUC determination (specify):							
12. Has the Intervenor demonstrated significant financia	Yes						
Timely request for comp							
13. Identify Final Decision:	D.15-01-051	Verified					
14. Date of issuance of Final Order or Decision:	January 29, 2015	February 02, 2015					
15. File date of compensation request:	April 03, 2015	Verified					
16. Was the request for compensation timely?		Yes					

## **PART II: SUBSTANTIAL CONTRIBUTION**

# A. Did the Intervenor substantially contribute to the final decision.

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
This request for compensation covers the issues resolved in phases I, II, and III of the proceeding. The decision set forth the steps by which the IOUs can implement the Green Tariff and ECR components of the GTSR program. NAAC, as part of the JMP, submitted testimony addressing several issues relating to the implementation of the GTSR program and the effects it will have on lowincome and minority communities.  NAAC, along with TURN, Sierra Club California (Sierra), and California Clean Energy Committee (CCEC) contributed significantly to the proceedings by achieving a settlement with PG&E on how it would implement its GTSR program.  NAAC was active and integral to the creation of the joint settlement and the Commission should find that NAAC contributed substantially to the settlement and to each of the issues addressed in the settlement, especially those issues dealing with community outreach and marketing.  The settlement, though it was not subject to the standard Commission settlement approval requirements, was integral due to the fact that it is being treated as the proposed PG&E GTSR Program.  In order to come to a settlement, there were numerous meetings, hours of data analysis and discussion before the parties	<ul> <li>Final Decision at 12-13.</li> <li>Joint Motion of Pacific Gas and Electric Company (U 39E), The Utility Reform Network, Coalition of California Utility Employees, The Black Economic Council, National Asian American Coalition, Latino Business Chamber of Greater L.A., Sierra Club California, and California Clean Energy Committee to Adopt Settlement, filed April 11, 2013 ["Motion to Adopt Settlement"].</li> <li>Reply Comments of Pacific Gas and Electric Company (U 39E), The Utility Reform Network, Coalition of California Utility Employees, The Black Economic Council, National Asian American Coalition, Latino Business Chamber of Greater L.A., Sierra Club California, and</li> </ul>	Yes.

#### PROPOSED DECISION

reached a final settlement proposal. At each point in the process, NAAC and the other members of the JMP provided important insight, through its advocate, on the specifics of community outreach and marketing to low-income and minority communities. Through NAAC and the JMP efforts, we were able to settle with PG&E and have PG&E agree to ensuring ratepayer indifference for non-participating customers, the establishment of an advisory group comprised on community leaders, and the promise that PG&E would actively market the program to low-income and minority communities and customers.

Energy Committee on Joint Motion to Adopt Settlement, filed May 28, 2013. ["Reply Comments on Joint Motion to Adopt Settlement"].

# 2. Community Outreach and Reporting

The Final Decision states that "involvement at the community and customer lever is essential to the GTSR program".

NAAC, with the JMP, throughout the entire proceedings emphasized the need for IOUs to engage community groups in the development of their GTSR programs as leader of community groups are the ones who know best how to reach their communities and obtain their participation.

As a result NAAC worked closely with IOUs to suggest various ways they could best connect with communities, resulting in PG&E agreeing to the creation of a community advisory group to help direct and inform PG&E's implementation of its GTSR program.

Other IOUs also took notice of the need to include community organizations in

- Final Decision at 83-89, 140-143
- Protest of the Black Economic Council, National Asian American Coalition, and Latino Business Chamber of Greater L.A., filed May 24, 2012, at 3.
- Motion to Adopt Settlement at 3, 11.
- Comments on the Joint Parties, filed December 20, 2013, at 3-4
- Opening Brief of the Joint Parties, filed March 21, 2014, at 4-5
- Comments of the Joint Parties on Southern California Edison's Proposed Community Renewables Program, filed April 11, 2014, at

Yes.

their community outreach plans and also plan to consult with community groups on how to best implement their plans, though the other IOUs will take a more informal approach.

NAAC also supported the idea of annual reports by the advisory boards as those reports will be of great help in gauging the status and success of program implementation in various communities and will also contain valuable information on the success of the IOUs' outreach to various communities. NAAC advocated for tangible metrics such as the level of CARE customer participation and pushed for more detail in the implementation advice letters.

3-4. ["Comments on SCE"]

- Phase II Opening Brief of the Joint Parties, filed May 02, 2014, at 4-5. ["Phase II"]
- Reply Brief of the Joint Parties, filed April 09, 2014, at 2-4. ["Reply Brief"]
- Comments of the Joint Parties on Decision Approving Green Tariff Shared Renewables Program, filed January 20, 2015, at 2-3. ["Comments on PD"]

## 3. Marketing

NAAC and the Joint Parties advocated for various issues that fall under the umbrella of the term marketing with the main goal of ensuring that minority and low-income communities would not be unduly taken advantage of.

The two ways NAAC sought to accomplish this was through oversight of marketing by solar providers participating in ECR and increased inlanguage marketing.

As the Commission noted in its Final Decision, aggressive or misleading sales tactics must be curbed in order to protect consumers from unscrupulous companies. While the Commission did not agree to NAAC's suggestion that marketing be limited to the IOUs, it requires IOUs to actively review the marketing materials and information submitted to them by GTSR program bidders.

• Final Decision at 139.

- Motion to Adopt Settlement at 3, 11.
- Comments of the Joint Parties at 2.
- Opening Brief of the Joint Parties at 2-3, 6-7
- Comments on SCE at 2-3.
- Phase II at 2-4
- Reply Brief at 4-6.
- Comments on PD at 4-5.

Yes.

In addition, to further prevent the
predation of minority communities, many
of whom are uncomfortable with filing
complaints with governmental entities,
NAAC pushed for more in language
marketing so consumers would better
understand the possible benefits and
detriments of enrolling. While the
Commission did not make a
determination either way, it did instruct
the IOUs to consider this point and to
respond to NAAC's proposed threshold
of producing marketing materials in
languages spoken by more than 250,000
in an IOUs service territory.

## B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

		Intervenor's Assertion	CPUC Discussion
a.	Was the Office of Ratepayer Advocates (ORA) a party to the proceeding? <sup>1</sup>	Yes	Verified
b.	Were there other parties to the proceeding with positions similar to yours?	Yes	Verified
c.	<b>If so, provide name of other parties:</b> TURN, Sierra Club Cali Energy Committee, and Coalition of California Utility Employ		Verified, also parties such as CEJA and other Joint Parties.
d.	Intervenor's claim of non-duplication:  NAAC coordinated closely with other intervenors in order settlement with PG&E. Attorney time records indicate a rentries for efforts devoted to coordinating with other settlic [COOR] as well as time spent in settlement talks [SETT].  In this proceeding, NAAC mainly focused on outreach an issues during the settlement talks and advocated fully on tratepayers.	number of ing parties d marketing	Verified
	While other groups, such as TURN, also advocated on the	behalf of	

<sup>&</sup>lt;sup>1</sup> The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

ratepayers, the Joint Minority Parties mainly focused on the interests of low-income and minority communities and worked hard to ensure that there were sufficient provisions for outreach and marketing to those communities.

Thus, the Commission should find that the JMP and NAAC coordinated with other parties in the proceeding in order to participate more effectively and efficiently, and that this coordination avoided undue duplication.

### PART III: REASONABLENESS OF REQUESTED COMPENSATION

## A. General Claim of Reasonableness (§ 1801 and § 1806):

a. Intervenor's claim of cost reasonableness:	CPUC Discussion
NAAC's request for \$43,837.25 reflects a significant amount of unique work in this proceeding that resulted in a partial settlement and several changes that will benefit ratepayers.	Verified
By facilitating a partial settlement, NAAC was able to avoid a longer more drawn out proceeding with PG&E, saving both time and money for all parties involved.	
Furthermore, the settlement with PG&E ensured that non-participating ratepayers are indifferent and that the program costs will be fully borne by participating customers. Additionally, several consumer protection measures were strengthened in regards to direct marketing and NAAC's participation along with the Joint Parties ensured that the voices of low-income and minority communities would be taken into account by the IOUs when the IOUs begin implementing their GTSR programs with the creation of advisory boards and advisory networks.	
b. Reasonableness of hours claimed:	Verified
The main bulk of the work on the case was completed by attorneys Aaron Lewis and Shalini Swaroop. Attorney Robert Gnaizda supervised the junior attorneys and provided valuable insight and experience. Attorney Jessica Tam also assisted Mr. Gnaizda on the case.	
Faith Bautista was also an integral part of the case due to her expertise in community outreach, education, and marketing. Through her network of contacts she was able to create a diverse coalition of parties to address the effects the GTSR program could on various community groups. It was also through her expertise and contacts that the parties were able to receive input from various community groups on best practices when it comes to how an IOU can reach out to disadvantaged communities and include these communities in the GTSR program.	

Verified

The hours claimed for staff attorneys Aaron Lewis, Shalini Swaroop, and Jessica Tam are reasonable as the staff attorneys are actually more cost-effective than having Mr. Gnaizda personally work on matters in this proceeding. All staff attorneys were instrumental in coordinating settlement talks, drafting, writing, and filing all briefs in this matter.

NAAC submits that the recorded hours are reasonable, both for each attorney, the expert witness, and in the aggregate.

Therefore, NAAC seeks compensation for all of the hours recorded by our attorneys and experts as stated in this request.

### **Compensation Request Preparation Time:**

NAAC is only requesting compensation for approximately 13 hours devoted to the preparation of this request. The number of hours spent is reasonable in light of the fact that this was a long and lengthy proceeding, spanning over three years with a voluminous amount of materials to comb through.

In order to save on costs, Ms. Tam was solely responsible for drafting this request with some oversight from Mr. Gnaizda, who has extensive knowledge of the CPUC Intervenor Compensation program. Additionally, Ms. Tam took it upon herself to delete some hours she felt were excessive as this proceeding was unlike other proceedings she has completed I-comp requests for previously and she had a bit of a learning curve. As a result, the Commission should find that hours requested are reasonable.

## c. Allocation of hours by issue:

NAAC has allocated its time entries in the attachments by the following codes:

GP **General Issues and Procedural Requirements** - This category includes time spent on procedural requirements, reviewing briefs of other parties, or filings related to procedural issues. PREP **Preparation -** Work that generally does not vary with the number of issues that NAAC addresses in the case. For example, internal meetings to discuss strategy, to delegate work, to review status, etc. DIS **Discovery and Testimony** – Matters

	that did not fall into a particular issue
	area such as preparing discovery and
	testimony covering multiple issues.
SETT	Settlement – This category includes
	all time spent on briefs and filings
	related to the settlement.
COOR	Coordination – This category
	includes spent coordinating with other
	intervenors on issues beyond the
	settlement, such as strategy,
	scheduling, and issue coordination
OUT	<b>OUT</b> – Time spent researching or
	working specifically on this issue
MKT	<b>MKT</b> – Time spent researching or
	working specifically on this issue
COMP	<b>Compensation</b> – Time spent on
	compensation request and
	compensation related activities
	such as preparing the NOI

<sup>\*</sup>In attachment A at the end of the file, there is a more detailed percentage breakdown by issue code and attorney.

Percentage	
3.9%	
9.2%	
11.4%	
5.2%	
9.7%	
27.1%	
24.9%	
8.6%	
	3.9% 9.2% 11.4% 5.2% 9.7% 27.1% 24.9%

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# B. Specific Claim:\*

		Cı	LAIMED				CPUC Awa	RD	
ATTORNEY, EXPERT, AND ADVOCATE FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$	
Robert Gnaizda	2012	8.20	\$545	D.14-08-021	\$4,469	8.2	\$545.00 <sup>2</sup>	\$4,469.00	
Robert Gnaizda	2013	18.95	\$555	D.14-08-021	\$10,517.25	18.95	\$555. 00 <sup>3</sup>	\$10,517.25	
Robert Gnaizda	2014	7.10	\$570	See Comment #1	\$4,047	7.1	\$570. 00 <sup>4</sup>	\$4,047.00	
Robert Gnaizda	2015	2.3	\$570	See Comment #1	\$1,311	2.3	\$570.00	\$1,311.00	
Faith Bautista	2012	1.1	\$155	D.14-08-024	\$170.50	1.1	\$155.00 <sup>5</sup>	\$107.50	
Faith Bautista	2013	1.6	\$160	D.14-08-024	\$256	1.6	\$160.00 <sup>6</sup>	\$256.00	
Faith Bautista	2014	1.5	\$165	See Comment #2	\$247.50	1.5	\$165.00 <sup>7</sup>	\$247.50	
Faith Bautista	2015	0.9	\$165	See Comment #2	\$148.50	0.9	\$165.00	\$148.50	
Shalini Swaroop	2012	29.50	\$185	D.14-09-013	\$5,457.50	28.3 <sup>[B]</sup>	\$185.00 <sup>8</sup>	\$5,3235.50	
Shalini Swaroop	2013	20.50	\$190	D.14-07-025	\$3,895	20.5	\$190.00°	\$3,895.00	
Aaron Lewis	2013	9.30	\$180	D.14-08-021	\$1,674	9.3	\$180.0010	\$1,674.00	

<sup>&</sup>lt;sup>2</sup> Approved in D. 15-01-014.

<sup>&</sup>lt;sup>3</sup> Approved in D. 14-08-021.

<sup>&</sup>lt;sup>4</sup> Application of Res. ALJ-303 2.58% Cost of Living Adjustment..

<sup>&</sup>lt;sup>5</sup> Approved in D. 14-08-021.

<sup>&</sup>lt;sup>6</sup> Approved in D. 14-08-021.

<sup>&</sup>lt;sup>7</sup> Approved in D. 15-06-024.

<sup>&</sup>lt;sup>8</sup> Approved in D. 14-08-021.

<sup>&</sup>lt;sup>9</sup> Approved in D. 14-07-025

<sup>&</sup>lt;sup>10</sup> Approved in D. 14-08-021

Aaron Lewis	2014	46.40	\$185	See Comment #3	\$8,584	46.2 <sup>[B]</sup>	\$185.00 <sup>11</sup>	\$8,547.00
Jessica Tam	2015	10.50	\$180	See Comment #4	\$1,890	10.0 <sup>[B]</sup>	\$165.00 <sup>[A]</sup>	\$1,650.00
Subtotal: \$ 42,667.25						Subtota	<i>l:</i> \$42,168.25	
INTERVENOR COMPENSATION CLAIM PR					N CLAIM PR	EPARATION	ON**	
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours Rate Total \$		
Jessica Tam	2015	13	\$90	Half of \$180, See Comment #4	\$1170	13.0	\$82.50	\$1,072.50
		Subtotal: \$ 1170						
	l l			Sub	total: \$ 1170		Subtot	al: \$1,072.50

\*We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.

\*\*Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate

ATTORNEY INFORMATION					
Attorney	Date Admitted to CA BAR <sup>12</sup>	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation		
Robert Gnaizda	Jan. 9, 1962	32148	No		
Shalini Swaroop	June 11, 2010	270609	No		
Aaron Lewis	Dec. 5, 2012	285526	No		
Jessica Tam	June 01, 2014	296837	No		

### C. Attachments Documenting Specific Claim and Comments on Part III:

Attachment or Comment #	Description/Comment
COS	Certificate of Service
1	In line with Res. ALJ-303, NAAC requests an hourly rate of \$570 for

<sup>&</sup>lt;sup>11</sup> Application of Res. ALJ-303 2.58% Cost of Living Adjustment.

This information may be obtained through the State Bar of California's website at <a href="http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch">http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch</a> .

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	Mr. Gnaizda's work in 2014. This figure represents the hourly rate previously adopted for his work in 2013 (\$555) escalated by the 2014 COLA of 2.58%. We also ask that Mr. Gnaizda's work in 2015 be compensated at the same rate.
2	In line with Res. ALJ-303, NAAC requests an hourly rate of \$165 for Ms. Bautista's work in 2014. This figure represents the hourly rate previously adopted for her work in 2013 (\$160) escalated by the 2014 COLA of 2.58%. We also ask that Ms. Bautista's work in 2015 be compensated at the same rate.
3	In line with Res. ALJ-303, NAAC requests an hourly rate of \$185 for Mr. Lewis's work in 2014. This figure represents the hourly rate previously adopted for his work in 2013 (\$180) escalated by the 2014 COLA of 2.58%.
4	NAAC requests a 2015 hourly rate of \$180 for Ms. Tam. Ms. Tam became a licensed member of the California Bar in June 2014 and had approximately half a year of experience as a licensed attorney when she began work in this proceeding and about 3 months experience before the CPUC. \$180/hr is consistent for attorney intervenors in Ms. Tam's experience range and is in line with the rates set by Resolution ALJ-303. Her resume is included in attachment B.
A	A.14-04-014 Timesheets of Attorneys and Experts
В	Resume of Jessica Tam

# D. CPUC Disallowances and Adjustments:

Item	Reason
A	National Asian American Coalition requests a rate of \$180.00 per hour for Tam for work completed in January 2015. A resume provided by National Asian American Coalition shows Tam was admitted to the California Bar in 2014. Tam's resume does not show any experience practicing in utilities matters or before the Commission prior to beginning work at NAAC in November 2014. The Commission therefore awards Tam a rate of \$165.00 per hour for work completed in 2015.
В	Disallowances of 1.2 hours from Swaroop's 2012 work, 0.2 hours from Lewis' 2014 work, and 0.5 hours from Tam's 2015 work for clerical and administrative tasks, such as filing and serving documents.

#### PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?	Yes

#### **FINDINGS OF FACT**

- 1. National Asian American Coalition has made a substantial contribution to D.15-01-051.
- 2. The requested hourly rates for National Asian American Coalition's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
- 3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
- 4. The total of reasonable compensation is \$43,240.75.

## **CONCLUSION OF LAW**

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

#### **ORDER**

- 1. National Asian American Coalition shall be awarded \$43,240.75.
- 2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company shall pay National Asian American Coalition their respective shares of the award, based on their California-jurisdictional electric revenues for the 2014 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning July 17, 2015, the 75<sup>th</sup> day after the filing of National Asian American Coalition's request, and continuing until full payment is made.

The comment period for today's decision is waived.This decision is effective today.Dated \_\_\_\_\_\_\_, at San Francisco, California.

## **APPENDIX**

# **Compensation Decision Summary Information**

<b>Compensation Decision:</b>		<b>Modifies Decision?</b>	No	
<b>Contribution Decision(s):</b>	D1501051			
<b>Proceeding(s):</b>	A1201008; A1204020; A1401007			
Author:	ALJ DeAngelis			
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company,			
	Southern California Edison Company			

# **Intervenor Information**

Intervenor	Claim	Amount	Amount	Multiplier?	Reason
	Date	Requested	Awarded		Change/Disallowance
National Asian	04/03/15	\$43,837.25	\$43,240.75	N/A	Reductions for clerical
American					and administrative
Coalition					costs, and reduced
(NAAC)					attorney rate granted.

## **Advocate Information**

First	Last Name	Type	Intervenor	<b>Hourly Fee</b>	Year	<b>Hourly Fee</b>
Name				Requested	<b>Hourly Fee</b>	Adopted
					Requested	
Robert	Gnazida	Attorney	NAAC	\$545.00	2012	\$545.00
Robert	Gnazida	Attorney	NAAC	\$555.00	2013	\$555.00
Robert	Gnazida	Attorney	NAAC	\$570.00	2014	\$570.00
Robert	Gnazida	Attorney	NAAC	\$570.00	2015	\$570.00
Faith	Bautista	Advocate	NAAC	\$155.00	2012	\$155.00
Faith	Bautista	Advocate	NAAC	\$160.00	2013	\$160.00
Faith	Bautista	Advocate	NAAC	\$165.00	2014	\$165.00
Faith	Bautista	Advocate	NAAC	\$165.00	2015	\$165.00
Shalini	Swaroop	Attorney	NAAC	\$185.00	2012	\$185.00
Shalini	Swaroop	Attorney	NAAC	\$190.00	2013	\$190.00
Aaron	Lewis	Attorney	NAAC	\$180.00	2013	\$180.00
Aaron	Lewis	Attorney	NAAC	\$185.00	2014	\$185.00
Jessica	Tam	Attorney	NAAC	\$180.00	2015	\$165.00

(END OF APPENDIX)